

## **DISTRICT III ADVISORY BOARD**

### **MINUTES**

Wednesday, April 17, 2002

7:00 p.m.

Colvin Neighborhood City Hall, 2820 S. Roosevelt

#### **Members Present**

Gene Fuhr  
Phyllis Hall  
Chantelle Brennan  
Jim Gulick  
Lois Ann Newman  
Judy Dillard  
Phil Bloomquist  
John Kemp  
Bill Ward  
Council Member Phil Lambke

#### **Members Absent**

Matt Foley  
Jim Skelton

#### **Staff**

Vicki Mork

## **ORDER OF BUSINESS**

### **Call to Order**

**Council Member Phil Lambke** called the meeting to order at 7:00 p.m

### **Approval of Minutes**

Motion was made to approve minutes as read.

**Action: Approved by vote of 9-0. Newman(Gulick)**

### **Staff Reports**

1. Council Member **Lambke** introduced **Randy Sparkman**, Supervisor of Sign Permits and Commercial Zoning with OCI, appearing in place of Cathy Holdeman to receive DAB III recommendations on the options offered by the Alternative Correctional Housing Board. He reminded the DAB board members that the preferred solution was Option 3. He reiterated that the ACHB was concerned only with the three facilities that received and housed sex offender parolees.

Randy covered the various components and choices contained in the option as possible “coulds” and he reminded the DAB members that they could include any or all of the provisions as they wished or any other requirements they feel are important. Randy told the DAB III members that the number of offenders could be limited at each facility, that

an average number of residents could be determined at the facilities from the past several years and their capacity limited in that regard or a percentage of the available beds could be set aside specially for sexual offenders.

**DAB board member Lois Ann Newman** asked for a point of clarification, were all the residents on parole, she was told they were. She also wanted to know if the facilities were full all of the time and found out they were for the most part. DAB board member **Gene Fuhr** wanted to know if the returning parolees were all from Wichita. **Randy Bargdill**, Kansas Department of Corrections explained that in the past probably not but currently returning parolees are limited to those whose crimes were committed in Sedgwick County.

DAB board member **Jim Gulick** asked how many sex offenders were currently at the three facilities and he was told Mirror has 42 offenders and 20 are at Dodge House. **Bill Ward** questioned the reasoning behind the changes being sought, he found out it was in response to the recently passed City Council ordinance which inadvertently prevented the housing of offenders at these facilities and the city's continued efforts to get a handle on adequate supervision and housing for this special population. **Bill Ward** suggested if the number of sexual offenders paroled to these facilities increased the city should increase the number of neighborhood police comparably. He is concerned about adequate protection for nearby residents. **Jim Gulick** asked for clarification about the different lists naming sexual offenders. **Randy Bargdill** explained that there was a KBI list and each county could maintain a registry also. However, if the crime was committed prior to 6-94 then the offender wasn't required to register. The requirements for registration have steadily become more stringent and now even a peeping tom has to be registered according to Sedgwick County but would not have to be for the KBI.

**Randy Bargdill** explained that many of the sexual offenders were mentally ill and on medications. That when they are paroled they are required to participate in a treatment program, they are not allowed to drink alcohol and can be returned to prison if they do. They have to meet very stringent rules and regulations for their behavior while on parole. If they are returned to prison for any reason when returned to the community again they are required to complete the treatment program again.

Audience member, **Joann Hartig** asked if nighttime security was lax, **Randy Bargdill** replied that Mirror Inc. was fully alarmed and staffed at night and security was not a concern. However, he said Dodge House was another matter and they were utilized only as a course of last resort. Randy also said there were two parole officers permanently assigned to the Mirror Inc. facilities.

**Bill Ward**, DAB member returned to his earlier concern about the nearby neighbors of these facilities and increased needs for security. Randy Sparkman, replied it was a tough issue however there was no provision for private home security needs the efforts would be spent on controlling the sexual offenders upon their return to the community. **Council member Phil Lambke** questioned the "coulds" contained in Option 3, he said if they

passed Option 3 as it was constructed it wouldn't mean anything and compliance would be voluntary. He wants the "coulds" changed to "will."

DAB board member **Judy Dillard** stated in making her motion that the learning process on this issue required agreement with CM Lambke that it was important to change the "coulds" to "will."

**Recommended Action: A motion was made to endorse Option 3. Dillard(Kemp) DAB board member Bill Ward made a friendly amendment that if the percentage of sexual offenders is increased at these three facilities that WPD personnel be increased proportionally. The motion passed 8 to 1.**

### **Planning**

#### **2. CON2002-00010, Conditional use of the northwest corner of Hydraulic and Wassall for vehicle and equipment sales, outdoors.**

**Scott Knebel, MAPD** began his presentation reviewing the uses and character of the nearby neighborhood along with the suitability and conformance of plan. He indicated that staff recommended the application be denied as the car lot did not conform with the uses and character of the neighborhood and could lead to "heavier" commercial uses in the neighboring area. Staff however, did make conditional recommendations for the possible use of the property should it be approved by MAPD. Scott also noted that a year ago a similar request for a used car sales lot on this site was approved by MAPC at their 3-8-01 meeting however the DAB III board recommend denial on 4-17-01 and the City Council voted to deny the Conditional Use request on May 1, 2001.

This time the applicant, Paul Weigand has submitted a site plan to MAPD and has also appeared before DAB III and the South City Neighborhood Association requesting their support for the plan. He stated he is a resident of the neighborhood as well as a business owner and he is committed to maintaining a quality property. He also brought a neighbor along who stated no objections to the plan. Paul did state he would not conform to condition #1 as imposed by staff as he plans to sell cars worth less than \$5,000 and also stated that he would accept a riding lawn mower as a trade in and sell it from this site. He took exception to #6 and #7 of the conditional uses also.

DAB **John Kemp** asked why the number of cars is limited to nine and Scott replied it was based on the applicants site plan. John also asked where the trees would be planted and Scott replied concrete would have to be removed to allow placement. John also reminded fellow DAB members that the South City Neighborhood Association endorsed the change.

DAB member **Judy Dillard** stated she opposed the zoning change as the change is forever. She further stated it was not an appropriate location and the lot was too small. DAB member **Gene Fuhr** said he initially opposed the request however, this time around he felt

like he had received much more information about the project and heard from the owner, Paul Weigand he supported it whole heartedly.

DAB member **Phil Bloomquist** stated he felt the #1 conditional use requested by staff is unfair. **Scott** replied there are standard conditions for zoning requirements for car sales but #1 was not standard. Scott also mentioned he received two protests about the conditional change.

**Recommended Action: Motion was made as follows: Whereas the petitioner has followed legal procedures to obtain approval for zoning change, and whereas the members of the South City Neighborhood Association voted to approve the change by more than a two-to-one margin, and whereas the petitioner has agreed to meet any requested changes to improve the property as required by the City of Wichita, therefore it so moved that the petition of Paul Weigand to change the zoning of the commercial property on the northwest corner of Wassall and Hydraulic to conditional use be approved, and that the change be effective only for so long as he use that property for the purpose intended. Fuhr (Bloomquist) The motion carried 7 to 2.**

**3. ZON2002-00019 associated with CON2002-00013 a request for a zoning change associated with a conditional use request for a wrecking/salvage yard generally located south of Harry, approximately ½ mile east of Woodlawn.**

**Scott Knebel, MAPD** began his presentation on this request by noting the subject property is currently being used for the dismantling of vehicles which is illegal under the current zoning of the property. As a result the applicant is requesting a zone change from “GC” General Commercial to “LI” Limited Industrial and a Conditional Use to permit the dismantling of vehicles as a “Wrecking/Salvage Yard” which requires at least “LI” Limited Industrial zoning and a Conditional Use.

**Scott** noted that the proposed use of the property is compatible with adjacent zoning and land use. It also meets the requirements for public services and conforms to the locational guidelines for industrial development. Because of the perceived compatibility the staff recommends approval subject to ten different conditions.

**DAB member Jim Gulick** began the discussion by asking if approval of this change would be making illegal practices acceptable through changing the zoning for this individual and Scott agreed that this would be the case. Neither the owner nor the agent representing them for this change was present to answer questions.

**DAB member Judy Dillard** questioned how the applicant would be held accountable for the time lines in condition #4, stating that no more than 30 vehicles are to be dismantled or store on the subject property at any one time and no vehicle can remain on the subject property for longer than 60 days. **Scott** replied that operators were required to keep a log which was reviewed periodically, however audience member Paul Davis disputed that contention saying he was a

salvage operator and the only time he logged cars was when they were received by him with a questionable title.

**Action taken: A motion was made to deny the change, Bloomquist (Kemp) the motion carried 9-0.**

**Adjournment: A motion to adjourn was made at 8:25 pm . Bloomquist (Ward) the motion carried 9-0.**

### **Visitors**

Paul Davis	6417 S. Madison Ct
Melody Stucky	2756 Mason
Joann Hartig	1756 S. Main
Paul Weigand	1141 Denker
Eldon Sumpter	2754 Greenwood
Randy Bargdill	KDOC, 210 N. St Francis
Randy Sparkman	OCI
Scott Knebel	MAPD